

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY and
GRS JEWELERS, INC.,

Defendants.

CIVIL ACTION NO. 04 12258-JLT

**ASSENTED TO MOTION OF PLAINTIFF HEARTS ON FIRE COMPANY, LLC
FOR CONTINUANCE OF DATE FOR RESPONSE TO DEFENDANT EIGHTSTAR
DIAMOND COMPANY'S MOTION FOR SUMMARY JUDGMENT**

On March 10, 2006, Defendant EightStar Diamond Company ("EightStar") filed its motion for summary judgment on all counts of plaintiff Hearts on Fire Company, LLC's ("HOF") Amended Complaint. HOF's response to the motion for summary judgment is due on March 23, 2006. The Court has scheduled a hearing on the motion for April 11, 2006. HOF respectfully moves, with the assent of EightStar, for an extension of the date to respond to the motion for summary judgment to March 31, 2006. In support of this motion, HOF states, as follows:

1. On January 31, 2006, HOF served its second request for production of documents on EightStar requesting certain documents that had been identified during the Rule 30(b)(6) deposition of EightStar. One such request was for copies of videotaped recordings of the EightStar annual dealer conferences, including but not limited to, those in 2003 and 2005.

2. On March 2, 2006, EightStar responded to the document production request indicating that it would produce copies of the dealer conferences.

3. To date, HOF has not received any of the tapes of the dealer conference. Counsel for EightStar stated that HOF will likely receive the tapes by March 31, 2006.

4. It is critical that HOF have an opportunity to review the videotapes of Eightstar dealer conferences before filing its opposition to EightStar's motion for summary judgment as these tapes may contain evidence critical to HOF's opposition.

WHEREFORE, HOF requests that this Court grant it an extension to March 31, 2006 to respond to EightStar's motion.

Respectfully submitted,

HEARTS ON FIRE COMPANY, LLC

By its attorneys,

/s/ Robert P. Sherman

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